

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT CANTON**

<b>IN RE:</b>	)	<b>CASE NO. 20-60332</b>
	)	
<b>Eric C. Lemon</b>	)	<b>IN PROCEEDINGS UNDER</b>
<b>Megan S. Lemon,</b>	)	<b>CHAPTER 13</b>
	)	
<b>Debtors.</b>	)	<b>BANKRUPTCY JUDGE</b>
	)	<b>KENDIG</b>

**MOTION TO INCUR CREDIT TO PURCHASE REAL PROPERTY**

**NOW COMES, Eric and Megan Lemon**, the Debtors by and through their undersigned counsel and moves this Court, under § 364 (c)(2) and other sections of the Bankruptcy Reform Act of 1978, as amended (the “Bankruptcy Code”) and under the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) for an order authorizing the Debtor to incur credit to purchase real property. In support of this Motion, the Debtors states:

**MEMORANDUM IN SUPPORT**

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
2. This Chapter 13 case was commenced by the filing of a Petition by the Debtors on February 24, 2020, and confirmed on August 20, 2020.
3. The current plan payment is \$570.00 with unsecured creditors receiving a minimum of \$1,564.50.

3. The Debtor, Eric Lemon would like to obtain financing to purchase real property, which the Debtors will reside. Pursuant to Section 364 of the Bankruptcy Code, the Debtor may incur additional credit. In addition, the monthly payments will be no more than \$30.00 more than the current rent payment, therefore the Debtor will be able to maintain the payments. Amended schedules I and J will be filed to reflect the new mortgage payments.

4. The Debtor wishes to enter into a mortgage loan agreement in the approximate amount of \$103,098.00 at 3.750% interest, with monthly payments of approximately \$779.00 which includes escrow as reflected in the attached Uniform Residential Loan Application. Also, the Debtor will be required to pay a down payment of approximately \$10,018.00, which will be paid from the Debtors IRA funded by his employer.

WHEREFORE, the Debtor prays for an Order to incur additional credit to allow the Debtor to purchase real property.

Respectfully submitted:

/s/ David A. Mucklow  
DAVID A. MUCKLOW (#0072875)  
Attorney for the Debtors  
919 E. Turkeyfoot Lake Road  
Suite B  
Akron, OH 44312  
Phone (330) 896-8190  
Fax (330) 896-8201  
davidamucklow@yahoo.com

### **NOTICE**

Eric and Megan Lemon., Debtors, by and through their undersigned counsel have filed a motion to incur additional credit in this bankruptcy case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this Bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant this Motion, or if you want the Court to consider your views on the Motion, then on or before **April 13, 2021**, you or your attorney must

File with the court a written request for hearing {or, *if the court requires a written response*, an answer, explaining your position}  
at:

Ralph Regula Federal Building  
U.S. Courthouse  
401 McKinley Ave. SW  
Canton, OH 44702

If you mail your request/response to the court for filing, you must mail it early enough so the court will receive it on or before **April 13, 2021**.

You must also mail a copy to:

David A. Mucklow, Esq.  
Attorney for the Debtor  
919 E. Turkeyfoot Lake Road #B  
Akron, OH 44312

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

### **CERTIFICATE OF SERVICE**

I certify that on or about 29<sup>th</sup> day of March, 2021 that a true and correct copy of the foregoing was sent electronically via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list:

- Dynele L Schinker-Kuharich DLSK@Chapter13Canton.com,  
dschinkerkuharich@ecf.epiqsystems.com
- United States Trustee (Registered address)@usdoj.gov

I certify on or about 29<sup>th</sup> day of March, 2021 that a true and correct copy of the foregoing was sent via U.S. regular mail to the persons listed below.

Eric Lemon  
Megan Lemon  
1040 Allen Drive  
Wooster, Ohio 44691

See Creditor Matrix Attached.

/s/ David A. Mucklow  
DAVID A. MUCKLOW, (#0072875)  
Attorney for the Debtors



Ally Bank  
PO Box 130424  
Roseville MN 55113-0004

Capital One Bank (USA), N.A.  
by American InfoSource as agent  
PO Box 71083  
Charlotte, NC 28272-1083

Catholic Charities Corp.  
Centralized Billing Dept.  
6753 State Rd.  
Parma, OH 44134

CNY Fertility  
Simon's Agency Inc  
PO Box 5026  
Syracuse, NY 13220

Consumer Portfolio  
19500 Jamboree Rd., Ste. 500  
Irvine, CA 92612

Credit Collection Services  
PO Box 710  
Norwood, MA 02062

Credit One Bank  
PO Box 98872  
Las Vegas, NV 89193

Debt Recovery Solutions  
1669 Lexington Ave.  
Mansfield, OH 44907

Debt Recovery Solutions of Ohio, Inc.  
P.O. Box 1307  
Mansfield, Oh 44901-1307

Dept of Ed / Nelnet  
PO Box 82561  
Lincoln, NE 68501

Eagle Loan Company of Ohio, Inc.  
331 N. Lexington Springmill Rd.  
Suite 135  
Ontario, OH 44906

Enhanced Recovery Co.  
8014 Dayberry Rd.  
Jacksonville, FL 32256

First Premier Bank  
3820 N Louise Ave.  
Sioux Falls, SD 57107

Incorp Services, Inc as agent for  
Eagle Loan Company of Ohio, Inc.  
9435 Waterstone Blvd., Ste. 140  
Cincinnati, OH 45249

Jefferson Capital System  
16 Mcleland Rd  
Saint Cloud, MN 56303

Jefferson Capital Systems LLC  
Po Box 7999  
Saint Cloud Mn 56302-9617

Kohls Dept. Store  
PO Box 3115  
Milwaukee, WI 53201

LVNV Funding, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Pendrick Capital Partners, LLC  
Peritus Portfolio Services II, LLC  
PO BOX 141419  
IRVING, TX 75014-1419

Phoenix Financial Services, LLC  
PO Box 361450  
Indianapolis, IN 46236

Portfolio Recovery Associates, LLC  
POB 12914  
Norfolk VA 23541

Premier Bankcard, Llc  
Jefferson Capital Systems LLC  
Assignee  
Po Box 7999  
Saint Cloud Mn 56302-9617

Quantum3 Group LLC as agent for  
Sadino Funding LLC  
PO Box 788  
Kirkland, WA 98083-0788

Richland Bureau of Credit  
PO Box 1548283 Glessner Ave  
Mansfield, OH 44901

Siemans Agency  
4963 Wintersuite Dr.  
Liverpool, NY 13088

Team Recovery Inc  
PO Box 1643  
3914 Clock Pointe Trail Ste 101  
Stow, OH 44224

US Dept of Education  
2401 International  
PO Box 7859  
Madison, WI 53704

Verizon  
by American InfoSource as agent  
PO Box 4457  
Houston, TX 77210-4457

# Uniform Residential Loan Application — Lender Loan Information

This section is completed by your Lender.

## L1. Property and Loan Information

## Community Property State

- ☐ At least one borrower lives in a community property state.  
☐ The property is in a community property state.

## Transaction Detail

- ☐ Conversion of Contract for Deed or Land Contract  
☐ Renovation  
☐ Construction-Conversion/Construction-to-Permanent  
     ☐ Single-Closing ☐ Two-Closing

Construction/Improvement Costs \$

Lot Acquired Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (mm/dd/yyyy)

Original Cost of Lot \$

## Refinance Type

- ☐ No Cash Out  
☐ Limited Cash Out  
☐ Cash Out

## Refinance Program

- ☐ Full Documentation  
☐ Interest Rate Reduction  
☐ Streamlined without Appraisal  
☐ Other \_\_\_\_\_

## Energy Improvement

- ☐ Mortgage loan will finance energy-related improvements.  
☐ Property is currently subject to a lien that could take priority over the first mortgage lien, such as a clean energy lien paid for through property taxes (e.g., the Property Assessed Clean Energy program).

Project Type ☐ Condominium ☐ Cooperative ☐ Planned Unit Development (PUD) ☒ Property is not located in a project

## L2. Title Information

Title to the Property Will be Held in What Name(s):

Eric C Lemon

For Refinance: Title to the Property is Currently Held in What Name(s):

Estate Will be Held in

- ☒ Fee Simple  
☐ Leasehold Expiration Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (mm/dd/yyyy)

Manner in Which Title Will be Held

- ☐ Sole Ownership ☐ Joint Tenancy with Right of Survivorship  
☐ Life Estate ☐ Tenancy by the Entirety  
☐ Tenancy in Common ☐ Other

## Trust Information

- ☐ Title Will be Held by an *Inter Vivos (Living)* Trust  
☐ Title Will be Held by a Land Trust

## Indian Country Land Tenure

- ☐ Fee Simple On a Reservation  
☐ Individual Trust Land (*Allotted/Restricted*)  
☐ Tribal Trust Land On a Reservation  
☐ Tribal Trust Land Off Reservation  
☐ Alaska Native Corporation Land

## L3. Mortgage Loan Information

## Mortgage Type Applied For

- ☐ Conventional ☐ USDA-RD  
☒ FHA ☐ VA ☐ Other: \_\_\_\_\_

## Terms of Loan

Note Rate 3.750 %

Loan Term 360 (months)

## Mortgage Lien Type

- ☒ First Lien  
☐ Subordinate Lien

## Amortization Type

- ☒ Fixed Rate ☐ Other (explain): \_\_\_\_\_  
☐ Adjustable Rate  
     If Adjustable Rate:  
     Initial Period Prior to First Adjustment \_\_\_\_\_ (months)  
     Subsequent Adjustment Period \_\_\_\_\_ (months)

## Loan Features

- ☐ Balloon / Balloon Term \_\_\_\_\_ (months)  
☐ Interest Only / Interest Only Term \_\_\_\_\_ (months)  
☐ Negative Amortization  
☐ Prepayment Penalty / Prepayment Penalty Term \_\_\_\_\_ (months)  
☐ Temporary Interest Rate Buydown / Initial Buydown Rate \_\_\_\_\_ %  
☐ Other (explain): \_\_\_\_\_

## Proposed Monthly Payment for Property

First Mortgage (P & I)	\$ 477.46
Subordinate Lien(s) (P & I)	\$
Homeowner's Insurance	\$ 90.00
Supplemental Property Insurance	\$
Property Taxes	\$ 140.00
Mortgage Insurance	\$ 71.17
Association/Project Dues (Condo, Co-Op, PUD)	\$
Other	\$
<b>Total</b>	<b>\$ 778.63</b>



#### L4. Qualifying the Borrower – Minimum Required Funds or Cash Back

<b>DUE FROM BORROWER(S)</b>		
A. Sales Contract Price		\$ 105,000.00
B. Improvements, Renovations, and Repairs		\$
C. Land <i>(if acquired separately)</i>		\$
D. For Refinance: Balance of Mortgage Loans on the Property to be paid off in the Transaction <i>(See Table 3a. Property You Own)</i>		\$
E. Credit Cards and Other Debts Paid Off <i>(See Table 2c. Liabilities — Credit Cards, Other Debts, and Leases that You Owe)</i>		\$
F. Borrower Closing Costs <i>(including Prepaid and Initial Escrow Payments)</i>		\$ 7,273.24
G. Discount Points		\$ 842.31
H. TOTAL DUE FROM BORROWER(s) <i>(Total of A thru G)</i>		\$ 113,115.55
<b>TOTAL MORTGAGE LOANS</b>		
I. Loan Amount		
Loan Amount Excluding Financed Mortgage Insurance <i>(or Mortgage Insurance Equivalent)</i> \$ 101,325.00		
Financed Mortgage Insurance <i>(or Mortgage Insurance Equivalent)</i> Amount \$ 1,773.00		\$ 103,098.00
J. Other New Mortgage Loans on the Property the Borrower(s) is Buying or Refinancing <i>(See Table 4b. Other New Mortgage Loans on the Property You are Buying or Refinancing)</i>		\$
K. TOTAL MORTGAGE LOANS <i>(Total of I and J)</i>		\$ 103,098.00
<b>TOTAL CREDITS</b>		
L. Seller Credits <i>(Enter the amount of Borrower(s) costs paid by the property seller)</i>		\$
M. Other Credits <i>(Enter the sum of all other credits — Borrower Paid Fees, Earnest Money, Employer Assisted Housing, Lease Purchase Fund, Lot Equity, Relocation Funds, Sweat Equity, Trade Equity, Other)</i>		\$
N. TOTAL CREDITS <i>(Total of L and M)</i>		\$
<b>CALCULATION</b>		
TOTAL DUE FROM BORROWER(s) <i>(Line H)</i>		\$ 113,115.55
LESS TOTAL MORTGAGE LOANS <i>(Line K)</i> AND TOTAL CREDITS <i>(Line N)</i>		- \$ 103,098.00
Cash From/To the Borrower <i>(Line H minus Line K and Line N)</i>		\$ 10,017.55
NOTE: This amount does not include reserves or other funds that may be required by the Lender to be verified.		